

HOUSE BILL NO. 16

INTRODUCED BY RIPLEY

BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PER STUDENT DISTRIBUTION LIMIT FOR RESIDENT NONBENEFICIARY STUDENTS ATTENDING TRIBALLY CONTROLLED COMMUNITY COLLEGES IN MONTANA TO \$3,024; LIMITING THE FINANCIAL ASSISTANCE TO NONBENEFICIARY STUDENTS ENROLLED IN COURSES FOR WHICH CREDIT IS TRANSFERABLE TO ANOTHER MONTANA COLLEGE OR UNIVERSITY, EXCEPT FOR COURSES DIRECTLY RELATED TO A VOCATIONAL DEGREE PROGRAM OR TO A 2- TO 4-YEAR DEGREE PROGRAM OR CERTIFICATE PROGRAM; ELIMINATING THE REQUIREMENT TO SUBTRACT THE AMOUNT GIVEN IN INDIAN FEE WAIVERS PRIOR TO DISTRIBUTION OF MONEY FOR NONBENEFICIARY WAIVERS; AMENDING SECTION 20-25-428, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-25-428, MCA, is amended to read:

"20-25-428. Financial assistance for resident nonbeneficiary students. (1) Subject to a line item appropriation for purposes of this section, the regents shall provide financial assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students who, EXCEPT AS PROVIDED IN SUBSECTION (8), are taking courses for which credit is transferable to another Montana college or university.

(2) Each tribal community college shall apply for this assistance to the regents. Except as provided in subsection (6), the money must be distributed on a prorated basis according to the eligible resident nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify, a resident nonbeneficiary student ~~shall~~ must meet the residency requirements as prescribed for the system by the regents and, EXCEPT AS PROVIDED IN SUBSECTION (8), must be enrolled in courses for which credit is transferable to another Montana college or university. The distribution for any student is limited to a maximum of ~~\$1,500~~ \$3,024 each year for each full-time equivalent student.

(3) An expenditure is contingent upon the tribal community college:

(a) being accredited or being a candidate for accreditation by the northwest association of schools and

1 colleges;

2 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with
3 the regents to provide the regents with information relating to eligibility of resident nonbeneficiary students and
4 documentation on the curriculum to ensure that the content and quality of courses offered by the tribal
5 community college are consistent with the standards adopted by the system; ~~and~~

6 (c) providing the regents with documentation that credits for the courses in which the resident
7 nonbeneficiary students are enrolled, EXCEPT AS PROVIDED IN SUBSECTION (8), will be accepted at another Montana
8 college or university; and

9 ~~(e)(d)~~ filing with the regents evidence that the college's enrollment of Indian students is at least 51%,
10 as required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

11 (4) If funding is available pursuant to subsection (1), the legislature intends that the money be an
12 amount in addition to the system budget approved in the general appropriations act.

13 (5) All funds appropriated under subsection (1) that are unspent revert to the state general fund.

14 (6) Prior to receiving money pursuant to subsection (1), each tribal community college shall:

15 ~~(a)~~ grant to eligible resident nonbeneficiary students who meet the residency requirements, as
16 prescribed for the system by the regents, fee waivers in the same percentage as the number of Indian students
17 who are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system; ~~and~~

18 ~~(b) subtract the costs of resident nonbeneficiary fee waivers granted under subsection (6)(a) from the~~
19 ~~total amount of prorated money to be distributed.~~

20 (7) The calculation in subsection (6) is not intended to allow the university system to retain the
21 calculated amount of funds. Waivers must be given to eligible students.

22 (8) THE LIMIT OF FINANCIAL ASSISTANCE TO NONBENEFICIARY STUDENTS ENROLLED IN COURSES FOR WHICH
23 CREDIT IS TRANSFERABLE TO ANOTHER MONTANA COLLEGE OR UNIVERSITY DOES NOT APPLY TO A NONBENEFICIARY
24 STUDENT ENROLLED IN A COURSE DIRECTLY RELATED TO A VOCATIONAL DEGREE PROGRAM OR TO A 2- TO 4-YEAR DEGREE
25 PROGRAM OR CERTIFICATE PROGRAM."

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27 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a
28 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
29 band of Chippewa.

1 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

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